



ASSESSMENT REPORT

Local Development Application No: LDA2024/0052

Assessment Officer: Deren Pearson
Report to Manager Assessment: 6 June 2024
Consent Authority functions exercised by: Delegate

EXECUTIVE SUMMARY

Application details

Subject land: 24 Crescent Avenue, Ryde
Lot and DP Number: Lot B DP 321599
Site Area and dimensions: 675.20m² site area
20.22 metres road frontage to Crescent Avenue
Proposal: Strata title subdivision of an existing dual occupancy development
Applicant: Ignazio Pirina
Owner: Ignazio Pirina, Paula Pirina, Frank L Ricco, Cuono Pirina, Carla Pirina
Date lodged: 28 March 2024
No. of days on STC: N/A
Value of Works: Nil
Submissions: None – not required to be notified
Zoning: R2 Low Density Residential under RLEP 2014
DCP Non-Compliances: None
Clause 4.6 RLEP 2014 Objection Required:
Councillor Representations: None
Report Recommendation: Approval

REPORT

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act, 1979 and the associated regulations.
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties.
- The application notification process is in accordance with the Council's Community Participation Plan. A review and consideration of any submissions made by the public and community interest groups in relation to the application has been completed.
- Referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan has occurred. A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/agencies has occurred.
- A review and consideration of all documentation provided with the application (up to the time of determination).

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the EPAA are:

| Section 4.15 'Matters for Consideration' | Comments |
|--|--|
| Section 4.15(1)(a)(i) - Provisions of any environmental planning instrument | See below. |
| Section 4.14(1)(a)(ii) - Provisions of any draft environmental planning instrument | Not applicable. |
| Section 4.14(1)(a)(iii) - Provisions of any development control plan | Ryde Development Control Plan 2014 applies to this proposal. See discussion below. |
| Section 4.14(1)(a)(iiia) - Provisions of any Planning Agreement or draft Planning Agreement | Not applicable. |
| Section 4.14(1)(a)(iv) | The relevant clauses of the Regulations have been satisfied. See below. |

| | |
|---|--|
| - Provisions of the regulations | |
| Section 4.14(1)(b) - The likely impacts of the development including environmental impacts on the natural and built environment and social and economic impacts in the locality | The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the development are discussed elsewhere in the report. The development is considered satisfactory in terms of environmental impacts. |
| Section 4.15(1)(c)- The suitability of the site for the development | The site is zoned R2 Low Density Residential. The assessment has demonstrated the proposal is consistent with the statutory requirements and policy controls. The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the streetscape. The proposal is an appropriate development and this has been demonstrated in the report. The proposal is considered to be suitable for the site. |
| Section 4.15(1)(d)- Any submissions made in accordance with the EP&A Act or EP&A Regulation | See discussion on "any submissions made in accordance with this Act or the Regulations". |
| Section 4.15(1)(e) - The public interest | The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal is compliant with the principle development standards. The proposal does not result in any adverse impacts upon adjoining properties or the streetscape. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest. |

THE SITE

The site is legally described as Lot B within DP 321599 and is known as 24 Crescent Avenue, Ryde. The site is generally regular in shape with site area of 675.20m². The site has a road frontage of 20.22 metres to Crescent Avenue and a depth ranging from 32.41 metres to 37.52 metres. The rear boundary width is 19.34 metres.

The site is located along the north-west side of Crescent Avenue and it accommodates an existing two storey rendered brick and tile dual occupancy (attached). The site is accessed via a central shared driveway and each dwelling has a single attached garage. The dual occupancy (attached) development was granted consent by Council on 12 October 1998 under Local Development Application No. DA1998/0030. A final inspection was carried out on 29 August 2002, allowing for occupation of the building.

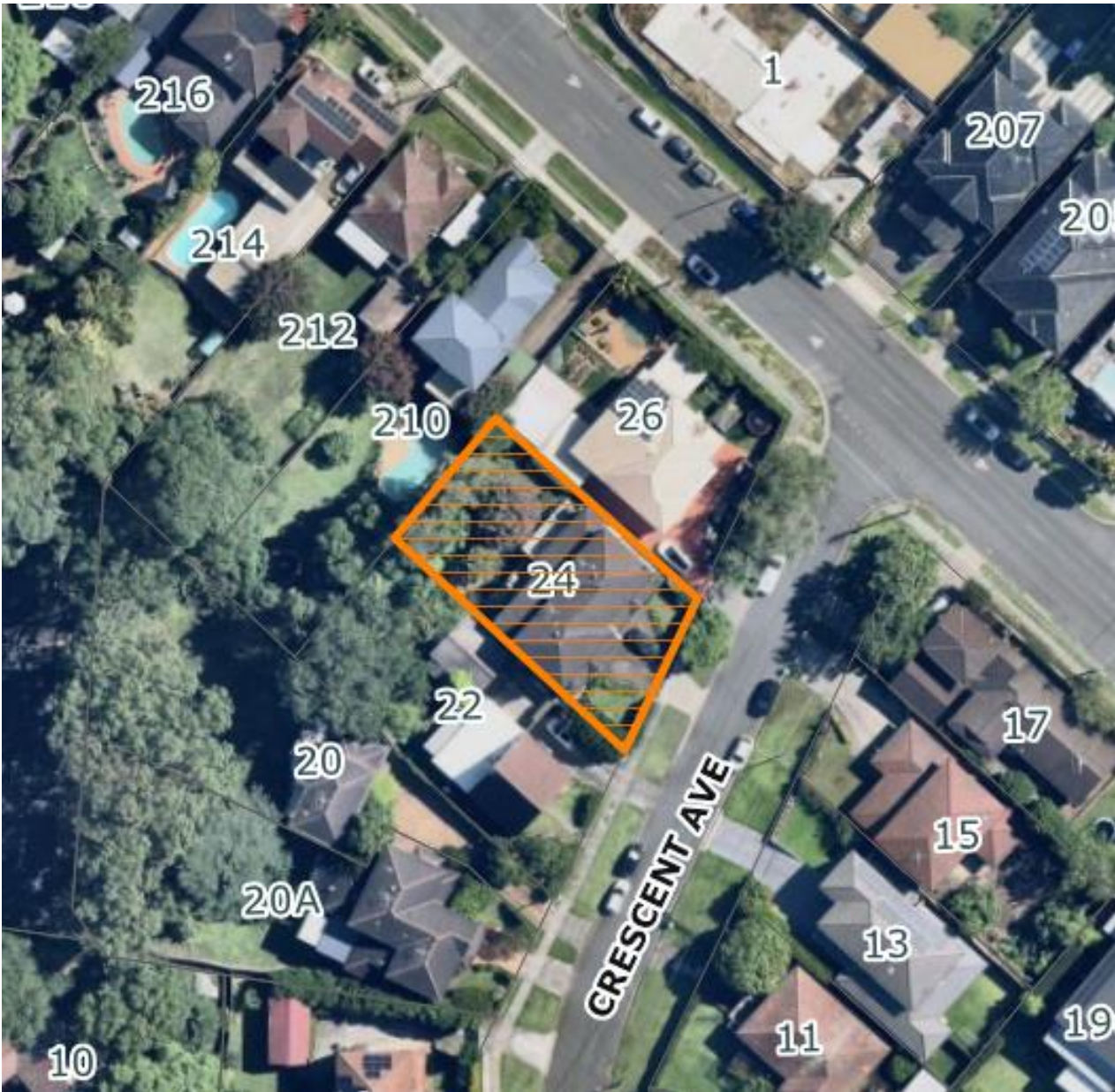


Figure 1: Aerial photograph of site



Figure 2: The site as viewed from Crescent Avenue

THE PROPOSAL

Consent is sought for strata title subdivision of an existing dual occupancy (attached) development. Details of the subdivision is as follows:

The proposal is for the strata title subdivision of existing attached dual occupancy approved under LDA No. DA1998/0030.

The proposed strata title subdivision comprises (**Figure 2**):

- Lot 1 – 343m² in area with a 9.90m front boundary
- Lot 2 – 327m² in area with a 10.32m front boundary

The proposal includes a right of carriageway over the driveway.

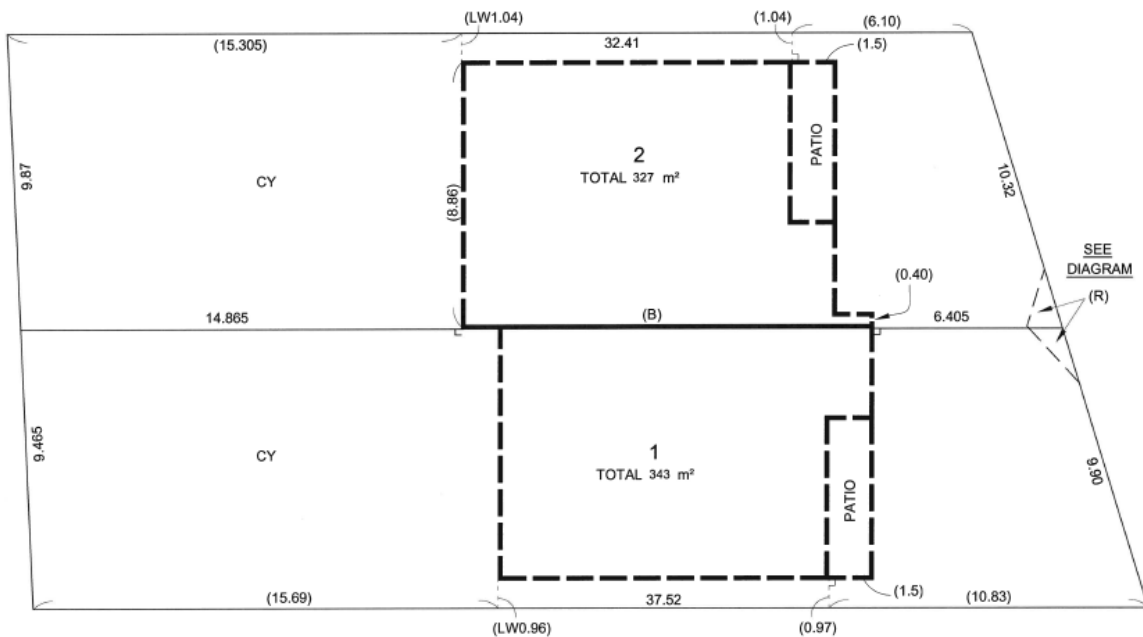


Figure 3: Plan of subdivision

DEVELOPMENT HISTORY

| Date | Action |
|-----------------|--|
| 12 October 1998 | Council granted development consent to LDA No. DA1998/0030 for a duplex building. |
| 7 February 2000 | Building Application No. BA1998/0635 was issued for the development. |
| 29 August 2002 | Final inspection identified as satisfied in Council's records (OCC1998/0635). |
| 28 March 2024 | Subject application lodged seeking consent for strata title subdivision of the existing dual occupancy (attached). |

INTERNAL REFERRALS

Senior Development Engineer

Council’s Senior Development Engineer reviewed the proposal and raised no objections, subject to standard conditions of consent.

STATUTORY PROVISIONS

SECTION 4.15 MATTERS FOR CONSIDERATION

(a) The provisions of

(i) Any environmental planning instrument:

State Environmental Planning Policies

The proposed strata subdivision does not alter the approved developments performance against any State Environmental Planning Instruments.

Ryde Local Environmental Plan 2014 (RLEP 2014)

Ryde LEP 2014 commenced on 12 September 2014 as the environmental planning instrument applicable to the City of Ryde. Under Ryde LEP 2014, the property is zoned R2 Low Density Residential, and the proposed development is permissible with Council’s consent.

Aims and objectives for residential zones:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To provide for a variety of housing types.*

The proposal seeks to undertake a strata title subdivision of existing dual occupancy (attached). The proposal will continue to provide for the housing needs of the community within a low-density residential environment and provides for a variety of housing types. The proposed development is considered to satisfy the objectives for residential developments.

Part 4 – Principal development standards

The following table below provides a summary of the applicable Clause in respect to the principal development standards outlined under Part 4 of RLEP 2014 for strata title subdivision:

| Ryde LEP 2014 | Proposal | Compliance |
|--|----------|------------|
| 4.1A Dual occupancies (attached) subdivisions | | |
| Despite clause 4.1, development consent may be granted for the Torrens title subdivision of a lot or subdivision of a lot under the <i>Strata Schemes Development Act 2015</i> if— | | |

| Ryde LEP 2014 | Proposal | Compliance |
|--|--|------------|
| (a) before the day <i>Ryde Local Environmental Plan 2014 (Amendment No 28)</i> commences, a development application for a dual occupancy (attached) has been approved and an occupation certificate has been issued for that development, and— | Development consent (DA1998/0030) and final inspection (OCC1998/0635) were issued prior to the commencement of Amendment No. 28 of RLEP. | |
| (i) the lot to be subdivided a minimum 580m ² | 675.20m ² | Yes |
| (ii) 1 dwelling each lot | 1 dwelling each lot | Yes |
| (iii) Each lot at least 290m ² | Lot 1 - 343m ² Lot 2 - 327m ² | Yes |
| 4.1B(2) Minimum lot sizes for dual occupancies and multi dwelling housing | | |
| (a) Minimum 580 m ² | 675.20m ² | Yes |
| (b) the primary road frontage of the lot is equal to or greater than 15 metres. | 20.22m | Yes |
| 4.3(2) Height | | |
| 9.5m | The proposal is for strata subdivision, and it does not alter the building height. | N/A |
| 4.4(2) & 4.4A(1) FSR | | |
| 0.5:1 (m ²) | The proposal is for strata subdivision, and it does not alter the FSR. | N/A |

(ii) Any proposed instrument (Draft LEP, Planning Proposal)

Nil.

(iii) Any development control plan

Ryde Development Control Plan 2014 (RDCP 2014)

The development was carried out prior to the commencement of RDCP 2014, however the existing building is generally consistent with the development controls and objectives of the DCP.

The proposal is subject to the provisions of Clause 4.1A of RLEP 2014 and not subject to the provisions of Section 2.4 – Subdivision of RDCP 2014.

(iv) The Regulations

Environmental Planning and Assessment Regulation 2021

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. There are no applicable Clauses contained within the regulations which are applicable to the proposed

subdivision.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. The subdivision is considered satisfactory in terms of environmental impacts.

(c) The suitability of the site for the development

The site is zoned R2 Low Density Residential. The proposal is for strata title subdivision of a dual occupancy (attached). The assessment has demonstrated the proposal is consistent with the statutory requirements and policy controls. The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the streetscape. The proposal is an appropriate development and this has been demonstrated in this report. The proposal is considered to be suitable for the site.

(d) Any submissions made in accordance with this Act or the regulations

In accordance with Section 3.2 of the City of Ryde Community Participation plan which came into effect in November 2019, the subject application was not required to be notified. No submissions have been received.

(e) The public interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal does not result in any adverse impacts upon adjoining properties or the streetscape. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

Objects of EP&A Act

Section 1.3 of the EP&A Act contains the following relevant objects:

(c) to promote the orderly and economic use and development of land,

The proposal achieves the objective as the subdivision of the dual occupancy (attached) promotes the orderly and economic use of land.

CONCLUSION

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is not contrary to the public interest. Therefore, it is recommended that the application be approved for the following reasons:

- The proposal is consistent with the objectives for R2 zoned land.
- The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal is considered to be low impact to adjoining properties and surrounding environment.
- The proposal is not contrary to the public interest.

RECOMMENDATION

That Council as the consent authority grant development consent to Local Development Application No. LDA2024/0052 for strata title subdivision of an existing dual occupancy development on land at 24 Crescent Avenue, Ryde, subject to the conditions in the attached draft consent.

In signing this report, I declare that I do not have a conflict of interest.



Deren Pearson
Assessment Officer – Town Planner



Holly Charalambous
Senior Coordinator Development
Assessment

This application is determined on 14 June 2024 under the delegated authority of:



Carine Elias
Manager Development Assessment